DATE: December 14, 2018

TO: Concerned Parties

FROM: Hilary O. Shelton, Director, Washington Bureau

CONGRESS PASSES “JUVENILE JUSTICE ACT,” REAUTHORIZING AND ENHANCING PROGRAMS TO HELP YOUNG OFFENDERS AND AT-RISK YOUTH IN COMMUNITIES THROUGHOUT THE U.S.

PRESIDENT TRUMP MUST NOW SIGN THE ACT INTO LAW MAKING THE FIRST IMPROVEMENTS TO THE JUVENILE JUSTICE AND DELINQUENCY AND PREVENTION ACT (JJDPA) IN 16 YEARS

THE ISSUE:

After 16 years, more than 6 bills, strong bipartisan support, and countless hours of letter-writing campaigns and advocacy, the U.S. House and the U.S. Senate both passed – unanimously – legislation to reauthorize the Juvenile Justice Delinquency and Prevention Act (JJDPA) and sent the bill to the President for his signature. The final bill passed the Senate on Dec. 12, 2018 and the House on the next day and is awaiting President Trump’s signature. While the final bill was not as strong as we would have liked it, there were a large number of positive provisions.

Current disparities in the treatment of juveniles by the criminal justice system are of huge concern to the NAACP and the communities we serve and represent: juvenile justice policies, whether they be national, state, or local, disparately impact our children. While African American youths are but 16% of the population, they are 28% of juvenile arrests, 37% of the youth in juvenile incarceration facilities and 58% of the youth sent to adult prisons. To address inconsistencies and to improve outcomes for youth and community safety, in 1974 Congress passed the JJDP, which changed the way in which states approach juvenile justice. For over 40 years the JJDP helped states build systems that protected kids and promoted public safety.

First created in 1974 and most recently reauthorized (or updated) in 2002 with strong bipartisan support, the JJDP is based on a consensus that children, youth, and families involved with juvenile and criminal courts should be protected by federal standards for care and custody, while also guarding community safety. The JJDPA creates a federal-state partnership for the administration of juvenile justice; it provides federal funding for delinquency prevention and improvements in state and local juvenile justice programs; and it mandates the operation of a federal agency dedicated to training, technical assistance, model programs, research and evaluation, and to support state and local efforts. The JJDPA also sets forth federal standards to ensure a minimum level of safety and equitable treatment for youth who come into contact with the justice system. Under the JJDPA, each state must comply with 4 core requirements/protections, including an assurance that juveniles are not locked up with adult offenders and are that states assess and take steps to decrease Disproportionate Minority Contact (“DMC”).

Specifically, the current bill strengthens each of the core protections for children in the juvenile justice system: It ensures children are treated separately – both in approach and location – than adult offenders; it shifts the focus from punishing young people to supporting them through education and training; and it puts a spotlight on the racial disparities in our juvenile justice system. The bill also incorporates key elements of the NAACP-supported Youth P.R.O.M.I.S.E. Act, which consists of proactive, evidence-based policies to reduce juvenile delinquency and help communities defeat gang damage and the involvement of our youth.

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